

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN MEDICAL SYSTEMS, INC. and
LASERSCOPE,

Plaintiffs,

v.

BIOLITEC, INC.,

Defendant.

Civil Action No. 3:07-CV-30109-MAP

AMERICAN MEDICAL SYSTEMS, INC. and
LASERSCOPE,

Plaintiffs,

v.

BIOLITEC, INC., BIOLITEC AG,
CERAMOPTEC INDUSTRIES, INC.,
CERAMOPTEC GmbH, ANDAOPTEC, LTD.,
and BIOLITEC SIA,

Defendants.

Civil Action No. 3:08-CV-30061-MAP

MAP 7.1.11

**STIPULATION AND ~~PROPOSED~~ ORDER
STAYING LITIGATION TO FACILITATE SETTLEMENT NEGOTIATIONS**

Plaintiffs American Medical Systems, Inc. and Laserscope (collectively "AMS") and Defendants biolitec, Inc., *et al.* (collectively "biolitec") jointly submit this stipulation:

WHEREAS, biolitec has moved to modify the Pretrial Scheduling Order ("PSO") entered in Civil Action No. 3:07-CV-30109-MAP [Dkt. No. 117] to extend fact discovery;

WHEREAS, AMS has opposed biolitec's motion [Dkt. No. 118];

WHEREAS, AMS has filed a Motion to Preclude/Motion for Protective Order [Dkt. No. 119] seeking to limit the scope of permissible discovery and the defenses that biolitec may present in this action;

WHEREAS, biolitec opposes the relief sought in AMS's Motion to Preclude/Motion for a Protective Order, but biolitec has not yet filed its opposition;

WHEREAS, the parties jointly wish to pursue good faith settlement negotiations without incurring the substantial costs that would be incurred by further proceeding with fact discovery and additional motion practice;

WHEREAS, the parties have agreed to stay this litigation, maintain the status quo, and resolve the pending motions upon the terms set forth below; and

IT IS HEREBY STIPULATED, by and between the parties, and through their respective attorneys of record, subject to the approval of the Court that:

- (1) biolitec's Motion to Modify the PSO [Dkt. No. 117] is withdrawn in view of the joint scheduling proposal set forth below;
- (2) AMS's Motion to Preclude/Motion for Protective Order [Dkt. No. 119] is hereby withdrawn without prejudice, with leave to re-file at the expiration of the stay contemplated in paragraph (4) below;
- (3) In the event that AMS re-files its Motion to Preclude/Motion for Protective Order, biolitec shall not oppose that motion based on any provision of this Order, and AMS shall not be deemed to have waived any objection, by stipulation to this Order, as to the timeliness or sufficiency of discovery disclosures or requests by biolitec;

- (4) This litigation is stayed, including all discovery, until August 19, 2011, to allow the parties to explore settlement without incurring the substantial litigation expenses that would otherwise be incurred absent a stay;
- (5) This stay is intended to maintain the *status quo* as of June 27, 2011, is sought by the parties jointly, and shall not be used or relied upon by or against any party for any purpose in the event this matter does not settle and the litigation is resumed; and
- (6) In the event that this matter does not settle, at the expiration of the stay, this litigation shall resume upon the following schedule as set forth below:

EVENT	CURRENT DATE	REVISED DATE
EXPIRATION OF STAY	N/A	August 19, 2011
CLOSE OF FACT DISCOVERY	June 10, 2011	October 14, 2011
OPENING EXPERT REPORTS	July 2, 2011	November 4, 2011
REBUTTAL EXPERT REPORTS	July 15, 2011	November 18, 2011
EXPERT DEPOSITIONS COMPLETE	September 16, 2011	February 3, 2012
SUMMARY JUDGMENT BRIEFS	October 24, 2011	February 24, 2012
OPPOSITION SUMMARY JUDGMENT BRIEFS	November 14, 2011	March 16, 2012
REPLY TO SUMMARY JUDGMENT BRIEFS	November 21, 2011	March 30, 2012
SUMMARY JUDGMENT HEARING	November 29, 2011	To be determined by the Court

In view of the foregoing, the parties respectfully request that the Court enter the Order in the form submitted herewith.

Respectfully submitted,

Dated: June 30, 2011

Dated: June 30, 2011

/s/ Leland G. Hansen

/s/ Mark D. Giarratana

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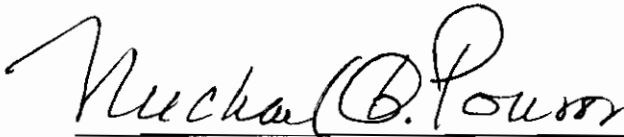
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Attorneys for Plaintiffs

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IT IS SO ORDERED,

Dated: July 1, 2011


Honorable Michael A. Ponsor
United States District Judge